

JAN 14 2009

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U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

DAVID EARL WALKER,

Plaintiff - Appellant,

v.

K. CORRECTIONAL SERGEANT; et al.,

Defendants - Appellees.

No. 07-16979

D.C. No. CV-04-01671-GEB/KJM

MEMORANDUM<sup>\*</sup>

Appeal from the United States District Court  
for the Eastern District of California  
Garland E. Burrell, District Judge, Presiding

Submitted December 17, 2008<sup>\*\*</sup>

Before: GOODWIN, WALLACE and RYMER, Circuit Judges.

David Earl Walker appeals pro se from the district court's judgment  
dismissing his 42 U.S.C. § 1983 action as a sanction for violating the court's

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<sup>\*</sup> This disposition is not appropriate for publication and is not precedent  
except as provided by 9th Cir. R. 36-3.

<sup>\*\*</sup> The panel unanimously finds this case suitable for decision without  
oral argument. See Fed. R. App. P. 34(a)(2).

protective order. We have jurisdiction pursuant to 28 U.S.C. § 1291. We review for abuse of discretion, *Ferdik v. Bonzelet*, 963 F.2d 1258, 1260 (9th Cir. 1992), and we affirm.

The district court did not abuse its discretion by dismissing the action, with prejudice, after weighing the pertinent factors and evaluating alternatives to dismissal. *See id.* at 1260-63 (addressing factors to consider in determining whether a district court abused its discretion by dismissing a pro se action under Fed. R. Civ. P. 41(b)).

Walker's remaining contentions are unpersuasive.

**AFFIRMED.**